

REMARKS

Claims 1 and 4-7 have been amended. Claims 8-28 stand cancelled. Applicant respectfully requests entry of the amendments set forth in this response under 37 C.F.R. §1.116. Subsequent to the entry of the present amendment, claims 1-7 are pending and at issue. The language of the amendments to the claims is fully supported by the specification and original claims.

Applicant also submits herewith a Request for Continued Examination,

I. Amendment to the Specification and Claims

The specification has been amended to indicate underlining of “L” and “R” residues in the paragraph beginning on page 28, line 20, as originally shown in the specification as filed. As such, the amendment is supported by the specification as filed and does not add new matter.

Claim 1 has been amended to delete the allegedly non-enabled preamble language related to treatment of multiple sclerosis. Claim 1 has also been amended as suggested by the Examiner to overcome the claim objection. The remaining amendments to claims 1 and 4-7 improve clarity and conform the dependent claim language to the amended antecedents. As such, these amendments are fully supported by specification and particularly the claims previously presented. Thus, the amendment adds no new matter and does not require further searching.

II. Objection to the Specification

The specification has been objected to for informalities regarding underlining of two amino acid residues in the paragraph beginning on line 20 of page 28. Office Action at p. 2. According to the Examiner, Applicant's amendment received August 26, 2008 changes the formatting of biological sequences disclosed on page 28 of the specification as originally filed.

Applicant submits that any changes to the sequence were inadvertent and limited by the amendment format required under 37 CFR §1.121. Nevertheless, the paragraph on page 28, beginning at line 20, has been amended as required by the Examiner. The amendment to the specification (including instruction) indicates that it is intended to include underlining of “L” and “R” in line 23 of page 28, which underlining should be made visible in the final text. Such underlining is not intended to indicate an addition of new text. The underlining is identical to that found in the specification as filed. The Examiner is respectfully requested to make the noted change by Examiner’s amendment if the amendment format is unclear. Applicant submits that the foregoing amendment overcomes the objection to the specification.

Accordingly, reconsideration and withdrawal of the objection to the specification is respectfully requested.

III. Rejection under 35 U.S.C. §112, first paragraph (enablement)

Claims 1-7 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Final Office Action at p. 6-10. According to the

Examiner, the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. *Id.* Specifically, the Examiner alleges that the ability to alleviate symptoms of MS, as recited in claim 1, renders the claimed compositions non-enabled "due to the quantity of experimentation necessary, the lack of sufficient guidance in the specification, the lack of working examples specific for human disease the unpredictability of the art, and the breadth of the claims." *Id.* at 10.

Applicant respectfully disagrees. However, solely in an effort to advance prosecution to allowance and/or reduce issues on appeal, the Applicant has deleted the phrase "for the alleviation of symptoms associated with multiple sclerosis" from claim 1. Applicant submits that the claims, as amended, are fully enabled by the specification.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-7 under 35 U.S.C. §112, first paragraph is respectfully requested.

IV. Objections to the Claims

Claim 1 has been objected to for its allegedly "potentially ambiguous language," particularly, the phrase "one or more autoantigenic polypeptides or fragments thereof" which is recited twice in the claim. Final Office Action at p. 6. The Examiner suggests amending the claim to read "...comprising an immunoglobulin or portion thereof linked to a polypeptide

selected from the group consisting of SEQ ID NO:1 and SEQ ID NO:2, wherein said immunoglobulin". *Id.*

Applicant wishes to thank the Examiner for his helpful suggestions. Claim 1 has been amended as suggested by the Examiner. Claims 4-7 have been amended to conform these dependent claims to the antecedent language of claim 1. Applicant submits that claim 1 as amended is no longer potentially ambiguous.

Accordingly, reconsideration and withdrawal of the objection to claim 1 is respectfully requested.

In re Application of:
Zaghouani
Application No.: 09/623,728
Filed: January 22, 2001
Page 9

PATENT
Attorney Docket No.: 133-8114005.US04

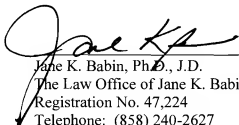
V. Conclusion

In view of the foregoing amendments and remarks, Applicant submits that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

Submitted herewith is a petition for a three month extension of time and the required fee under 37 C.F.R. §1.17(a) for responding to the Final Office Action mailed November 17, 2008. Upon granting of the extension of time, the deadline for response is extended to include May 17, 2009. No other fee is believed necessary in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. **50-4243**.

Respectfully submitted,

Date: May 17, 2009



Jane K. Babin, Ph.D., J.D.
The Law Office of Jane K. Babin, P.C.
Registration No. 47,224
Telephone: (858) 240-2627
Facsimile: (858) 240-2640

Customer No. 87008

c/o David Lewis
1250 Aviation Avenue, Suite 200B
San Jose, CA 95110